

TRULINCS 03260180 - ELLIS, PRISCILLA ANN - Unit: OKL-E-C

FROM: 03260180

SUBJECT: Motion for Re-designation based on COVID
DATE: 12/13/2021 08:01:03 PM

FILED

DEC 17 2021

United States District Court

Oklahoma City, Ok

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST, OKLA.
BY , DEPUTY

Priscilla A. Ellis

vs

CIV-21-1187-D

United States Of America
Federal Bureau of Prisons
South Central Regional
DSCC

Expedited Motion for Re-designation
to Veterans Unit at Dublin , CA based upon COVID Outbreak
and Medical Conditions

Plaintiff hereby request this honorable Court to Compel the DSCC (Designation Sentence Computation Center) to re-designate plaintiff to Dublin California Veterans Unit based upon a COVID Outbreak at the current prison in Waseca, MN. there are currently 125 Cases at Waseca Prison, in Waseca Minnesota as of 12-13-2021.

There is only (1) case of COVID at Dublin Prison in Dublin, Ca, which is also in Plaintiff's region pursuant to the First Step Act of December 2018.

Plaintiff is a resident of Killeen, Texas and Waseca is 100 miles away from her resident address , and out of the Plaintiff's region pursuant to he FSA.

The Outbreak of COVID has heightened daily since being stuck here at the Federal Transfer Center since 2 November 2021.. To date 12-13-2021, I have been here at the Federal transfer Center for six weeks, excessively and the Transfer Center is locked down 21 hours per day, unless you are an orderlie.

Discussion:

A court can compel re-designation pursuant to the CARES act when a plaintiff has underlying conditions that could easily enhance and lead to a sudden death from COVID.

Priscilla Ellis has several of the underlying conditions listed on the CDC website that indicate a higher risk category for possibility of death from the COVID Virus.

Priscilla Ellis has the following medical conditions

1. Chronic Hypertension
2. Medical Port in Chest
3. Spot of Left Lung
4. Asthma/Sinusitis
5. Seizures
6. Low potassium
7. Vitamin D Deficiency
8. Ear Ulcers
9. Lump in left breast
10. Anxiety from PTSD
11. High risk age category, as Ellis is 57 years of age
12. Black Female

Ethnic men and women are dying at a faster rate from COVID virus then any other race.

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Numerous courts have held a defendant's relevant health conditions and the presence of COVID 19 within the BOP generally, or within the defendant's specific facility together can constitute an extraordinary and compelling reason for compassionate release/ re-designation. Plaintiff is merely requesting re-designation to possibly preserve life.

see (Burnsides, 6:18-cr-02068-CJW-MAR-1, (doc 53 at 13015) (compiling cases). The Center for Disease Control (CDC) lists nine categories of people who are at a higher risk of severe illness and death from the COVID -19 Virus.

(1) people over age 50 (2) People with chronic lung problems/ Asthma (3) people in long term care facilities (4) People overweight (5) People such as Ellis with a compromised Immune system (Vitamin D Deficiency and low potassium) (6) Diabetic people (7) People with chronic kidney disease (which Ellis has to watch out for having Hypertension which leads to Kidney disease

(8) people with liver Disease (9) people at a high risk for severe illnesses such as Priscilla Ellis, as if she has a seizure in a place where there is a high outbreak of COVID and does not have appropriate breathing apparatus, this could lead to instant death.

Plaintiff fits several of the categories above and is at risk of death if contract COVID, 1100 miles away from home, family and friends. Priscilla Ellis has respiratory issues and hypertension which is also listed as a major trigger and category for risk of death from COVID-19.

Plaintiff's brother in law , retired Army , fit and caught COVID and died in October 2020. Plaintiff is also Army Veteran , but with underlying conditions, this puts plaintiff at an extraordinary risk of death if she catches covid virus. No question about it.

The courts are split on relief that it can provide under the CARES Act because it pre-dates the First Step Act of 2018, but Plaintiff's request also fit within the scope of the First Step Act as this would also put her within her region of being closer then 100 miles away from home, which the first step act requires all prisoners to be within 500 miles of their legal resident address.

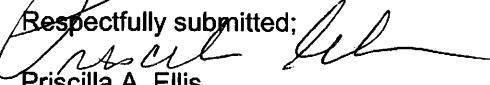
(1) extraordinary and compelling medical conditions that the court can rely onto give expedited relief. Plaintiff is not requesting release, merely to compel the Designation Sentence computation Center to re-designate Plaintiff to a Veterans Prison in Dublin California (for Military Veterans) and again this would allow Ellis to be closer to home and not 1100 miles away in a place that has an astronomically high case of COVID Outbreak at this moment 125 Cases for Inmates and 237 for staff, and it does not list any deaths at this time.

see United states v. Lynn , No CR89-0072, 2019 U.S. Dist. LEXIS 137134, 2019 WL 3805349, at *4 (S.D.Ala. Aug 13, 2019), with United States v. Urkevich, No. CR03-37, 2019 U.S. Dist LEXIS 197408, 2019 WL 6037391, at *3 (D. Neb. Nov. 14, 2019). This Court (2020 U.S. Dist LEXIS 7) concluded USSG section 1B1.13 although it is a helpful guidepost, does not restrain a court's assessment of whether extraordinary and compelling reasons exist to release a defendant, and Ellis is merely requesting to be re-designated, not released at this time from custody.

Plaintiff has been through a lot, she was sexually assaulted fro the past two years at FMC-Carswell by the Prison Unit Manager and has filed Police and Sheriff Complaints in the Fort worth, Texas area where it happened it include complaints to the FBOP, Director and Congressional complaints, all attached, to couple up with being locked down causing anxiety attacks and plaintiff started having Seizures excessively as they are triggered by high stress more often then none.

Based on the above causes and pleadings, Plaintiff is requesting compelling mercy from the court for extraordinary relief to compel the Designated Sentence Computation Center in Grand Prairie < Texas Federal Bureau of Prisons South central Region to redesignate the plaintiff to The Military Veterans Prison Unit at Dublin Ca or anywhere else that has a Veterans Prison for women and not to Waseca, where there is current Major outbreak of COVID virus. Based on Plaintiff's severe medical conditions, Plaintiff is pleading for extraordinary relief, Again, Plaintiff is merely requestign re-designation to eliminate the possibility to escalated death from COVID virus.

Respectfully submitted;


Priscilla A. Ellis
Pro-Se
U.S. Army Veteran

Attachments: COVID Count at Waseca News letter, Sexual Assault complaints of Unit Manager
CERTIFICATE OF SERVICE:

Mailed 12-13-2021